

**Workforce Innovation & Opportunity Act**  
**Public Law 113-128**  
**Index & Summary**

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Workforce Innovation and Opportunity Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents. (p. 1425)

Sec. 2. Purposes. (p. 1428)

Sec. 3. Definitions. (p. 1429)

**TITLE I—WORKFORCE DEVELOPMENT ACTIVITIES (p. 1440)**

Subtitle A—System Alignment (p. 1440)

**CHAPTER 1—STATE PROVISIONS (p. 1440)**

Sec. 101. State workforce development boards. (p. 1440)

Sec. 102. Unified State plan. (p. 1444)

Sec. 103. Combined State plan. (p. 1450)

**CHAPTER 2—LOCAL PROVISIONS (p. 1452)**

Sec. 106. Workforce development areas. (p. 1452)

Sec. 107. Local workforce development boards. (p. 1456)

Sec. 108. Local plan. (p. 1466)

**CHAPTER 3—BOARD PROVISIONS (p. 1471)**

Sec. 111. Funding of State and local boards. (p. 1471)

**CHAPTER 4—PERFORMANCE ACCOUNTABILITY (p. 1471)**

Sec. 116. Performance accountability system. (p. 1471)

Subtitle B—Workforce Investment Activities and Providers (p. 1481)

**CHAPTER 1—WORKFORCE INVESTMENT ACTIVITIES AND PROVIDERS (p. 1481)**

Sec. 121. Establishment of one-stop delivery systems. (p. 1481)

Sec. 122. Identification of eligible providers of training services. (p. 1492)

Sec. 123. Eligible providers of youth workforce investment activities. (p. 1498)

**CHAPTER 2—YOUTH WORKFORCE INVESTMENT ACTIVITIES (p. 1498)**

Sec. 126. General authorization. (p. 1498)

Sec. 127. State allotments. (p. 1498)

Sec. 128. Within State allocations. (p. 1502)

Sec. 129. Use of funds for youth workforce investment activities. (p. 1504)

**CHAPTER 3—ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING ACTIVITIES (p. 1511)**

Sec. 131. General authorization. (p. 1511)

H. R. 803—2

Sec. 132. State allotments. (p. 1511)

Sec. 133. Within State allocations. (p. 1516)

Sec. 134. Use of funds for employment and training activities. (p. 1520)

**CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS (p. 1537)**

Sec. 136. Authorization of appropriations. (p. 1537)

Subtitle C—Job Corps (p. 1537)

Sec. 141. Purposes. (p. 1537)

Sec. 142. Definitions. (p. 1538)

Sec. 143. Establishment. (p. 1539)

Sec. 144. Individuals eligible for the Job Corps. (p. 1539)

Sec. 145. Recruitment, screening, selection, and assignment of enrollees. (p. 1539)

Sec. 146. Enrollment. (p. 1542)

Sec. 147. Job Corps centers. (p. 1542)

Sec. 148. Program activities. (p. 1547)

Sec. 149. Counseling and job placement. (p. 1548)

Sec. 150. Support. (p. 1549)

Sec. 151. Operations. (p. 1549)

Sec. 152. Standards of conduct. (p. 1549)

Sec. 153. Community participation. (p. 1550)

Sec. 154. Workforce councils. (p. 1551)

Sec. 155. Advisory committees. (p. 1552)

Sec. 156. Experimental projects and technical assistance. (p. 1552)

Sec. 157. Application of provisions of Federal law. (p. 1552)

Sec. 158. Special provisions. (p. 1553)

Sec. 159. Management information. (p. 1554)

Sec. 160. General provisions. (p. 1558)

Sec. 161. Job Corps oversight and reporting. (p. 1558)

Sec. 162. Authorization of appropriations. (p. 1559)

Subtitle D—National Programs (p. 1560)

Sec. 166. Native American programs. (p. 1560)

Sec. 167. Migrant and seasonal farmworker programs. (p. 1564)

Sec. 168. Technical assistance. (p. 1566)

Sec. 169. Evaluations and research. (p. 1568)

Sec. 170. National dislocated worker grants. (p. 1573)

Sec. 171. Youth Build program. (p. 1576)

Sec. 172. Authorization of appropriations. (p. 1585)

Subtitle E—Administration (p. 1586)

Sec. 181. Requirements and restrictions. (p. 1586)

Sec. 182. Prompt allocation of funds. (p. 1589)

Sec. 183. Monitoring. (p. 1590)

Sec. 184. Fiscal controls; sanctions. (p. 1590)

Sec. 185. Reports; recordkeeping; investigations. (p. 1594)

Sec. 186. Administrative adjudication. (p. 1596)

Sec. 187. Judicial review. (p. 1597)

Sec. 188. Nondiscrimination. (p. 1597)

Sec. 189. Secretarial administrative authorities and responsibilities. (1599)

Sec. 190. Workforce flexibility plans. (p. 1602)

Sec. 191. State legislative authority. (p. 1603)

Sec. 192. Transfer of Federal equity in State employment security agency real property to the States. (p. 1604)

Sec. 193. Continuation of State activities and policies. (p. 1604)

Sec. 194. General program requirements. (p. 1605)

Sec. 195. Restrictions on lobbying activities. (p. 1607)

## **TITLE II—ADULT EDUCATION AND LITERACY (p. 1608)**

Sec. 201. Short title. (p. 1608)

Sec. 202. Purpose. (p. 1608)

Sec. 203. Definitions. (p. 1609)

Sec. 204. Home schools. (p. 1611)

Sec. 205. Rule of construction regarding postsecondary transition and concurrent enrollment activities. (p. 1612)

Sec. 206. Authorization of appropriations. (p. 1612)

Subtitle A—Federal Provisions (p. 1612)

Sec. 211. Reservation of funds; grants to eligible agencies; allotments. (p. 1612)

Sec. 212. Performance accountability system. (p. 1614)

H. R. 803—3

Subtitle B—State Provisions (p. 1614)

Sec. 221. State administration. (p. 1614)

Sec. 222. State distribution of funds; matching requirement. (p. 1614)

Sec. 223. State leadership activities. (p. 1615)

Sec. 224. State plan. (p. 1617)

Sec. 225. Programs for corrections education and other institutionalized individuals. (p. 1617)

Subtitle C—Local Provisions (p. 1618)

Sec. 231. Grants and contracts for eligible providers. (p. 1618)

Sec. 232. Local application. (p. 1620)

Sec. 233. Local administrative cost limits. (p. 1620)

Subtitle D—General Provisions (p. 1620)

Sec. 241. Administrative provisions. (p. 1620)

Sec. 242. National leadership activities. (p. 1621)

Sec. 243. Integrated English literacy and civics education. (p. 1623)

## **TITLE III—AMENDMENTS TO THE WAGNER-PEYSER ACT (p. 1624)**

Sec. 301. Employment service offices. (p. 1624)

Sec. 302. Definitions. (p. 1624)

Sec. 303. Federal and State employment service offices. (p. 1625)

Sec. 304. Allotment of sums. (p. 1626)

Sec. 305. Use of sums. (p. 1626)

Sec. 306. State plan. (p. 1627)

Sec. 307. Performance measures. (p. 1627)

Sec. 308. Workforce and labor market information system. (p. 1627)

## **TITLE IV—AMENDMENTS TO THE REHABILITATION ACT OF 1973 (p. 1631)**

Subtitle A—Introductory Provisions (p. 1631)

Sec. 401. References. (p. 1631)

Sec. 402. Findings, purpose, policy. (p. 1631)

Sec. 403. Rehabilitation Services Administration. (p. 1632)

Sec. 404. Definitions. (p. 1632)

Sec. 405. Administration of the Act. (p. 1637)

Sec. 406. Reports. (p. 1638)

Sec. 407. Evaluation and information. (p. 1638)

Sec. 408. Carryover. (p. 1639)

Sec. 409. Traditionally underserved populations. (p. 1639)

Subtitle B—Vocational Rehabilitation Services (p. 1640)

Sec. 411. Declaration of policy; authorization of appropriations. (p. 1640)

Sec. 412. State plans. (p. 1641)

Sec. 413. Eligibility and individualized plan for employment. (p. 1649)

Sec. 414. Vocational rehabilitation services. (p. 1652)

Sec. 415. State Rehabilitation Council. (p. 1654)

Sec. 416. Evaluation standards and performance indicators. (p. 1654)

Sec. 417. Monitoring and review. (p. 1654)

Sec. 418. Training and services for employers. (p. 1655)

Sec. 419. State allotments. (p. 1656)

Sec. 420. Payments to States. (p. 1656)

Sec. 421. Client assistance program. (p. 1656)

Sec. 422. Pre-employment transition services. (p. 1657)

Sec. 423. American Indian vocational rehabilitation services. (p. 1659)

Sec. 424. Vocational rehabilitation services client information. (p. 1660)

Subtitle C—Research and Training (p. 1660)

Sec. 431. Purpose. (p. 1660)

Sec. 432. Authorization of appropriations. (p. 1660)

Sec. 433. National Institute on Disability, Independent Living, and Rehabilitation Research. (p. 1661)

Sec. 434. Interagency committee. (p. 1664)

Sec. 435. Research and other covered activities. (p. 1664)

Sec. 436. Disability, Independent Living, and Rehabilitation Research Advisory Council. (p. 1671)

Sec. 437. Definition of covered school. (p. 1671)

Subtitle D—Professional Development and Special Projects and Demonstration (p. 1672)

Sec. 441. Purpose; training. (p. 1672)

H. R. 803—4

Sec. 442. Demonstration, training, and technical assistance programs. (p. 1673)

Sec. 443. Migrant and seasonal farmworkers; recreational programs. (p. 1674)

Subtitle E—National Council on Disability (p. 1674)

Sec. 451. Establishment. (p. 1674)

Sec. 452. Report. (p. 1675)

Sec. 453. Authorization of appropriations. (p. 1675)

Subtitle F—Rights and Advocacy (p. 1675)

Sec. 456. Interagency Committee, Board, and Council. (p. 1675)

Sec. 457. Protection and advocacy of individual rights. (p. 1676)

Sec. 458. Limitations on use of subminimum wage. (p. 1676)

Subtitle G—Employment Opportunities for Individuals With Disabilities (p. 1679)

Sec. 461. Employment opportunities for individuals with disabilities. (p. 1679)

Subtitle H—Independent Living Services and Centers for Independent Living (p. 1685)

CHAPTER 1—INDIVIDUALS WITH SIGNIFICANT DISABILITIES (p. 1685)

SUBCHAPTER A—GENERAL PROVISIONS (p. 1685)

Sec. 471. Purpose. (p. 1685)

Sec. 472. Administration of the independent living program. (p. 1685)

Sec. 473. Definitions. (p. 1685)

Sec. 474. State plan. (p. 1686)

Sec. 475. Statewide Independent Living Council. (p. 1687)

Sec. 475A. Responsibilities of the Administrator. (p. 1689)

#### **SUBCHAPTER B—INDEPENDENT LIVING SERVICES (p. 1690)**

Sec. 476. Administration. (p. 1690)

#### **SUBCHAPTER C—CENTERS FOR INDEPENDENT LIVING (p. 1691)**

Sec. 481. Program authorization. (p. 1691)

Sec. 482. Centers. (p. 1692)

Sec. 483. Standards and assurances. (p. 1693)

Sec. 484. Authorization of appropriations. (p. 1693)

#### **CHAPTER 2—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE**

**BLIND (p. 1693)**

Sec. 486. Independent living services for older individuals who are blind. (p. 1693)

Sec. 487. Program of grants. (p. 1694)

Sec. 488. Independent living services for older individuals who are blind authorization of appropriations. (p. 1694)

#### **Subtitle I—General Provisions (p. 1695)**

Sec. 491. Transfer of functions regarding independent living to Department of Health and Human Services, and savings provisions. (p. 1695)

Sec. 492. Table of contents. (p. 1699)

#### **TITLE V—GENERAL PROVISIONS (p. 1700)**

##### **Subtitle A—Workforce Investment (p. 1700)**

Sec. 501. Privacy. (p. 1700)

Sec. 502. Buy-American requirements. (p. 1700)

Sec. 503. Transition provisions. (p. 1701)

Sec. 504. Reduction of reporting burdens and requirements. (p. 1702)

Sec. 505. Report on data capability of Federal and State databases and data exchange agreements. (p. 1702)

Sec. 506. Effective dates. (p. 1703)

##### **Subtitle B—Amendments to Other Laws (p. 1705)**

Sec. 511. Repeal of the Workforce Investment Act of 1998. (p. 1705)

Sec. 512. Conforming amendments. (p. 1705)

Sec. 513. References. (p. 1722)

**Public Law 113-128 – July 22, 2014**  
**Workforce Innovation and Opportunity Act (WIOA)**

**Title & Section: Title I Section 101**

**Section Name:** State workforce development boards

**Pages:** 1440-1444

**Brief Description of Contents:**

This section describes the membership requirements, representation, and functions of state workforce development boards, which in North Carolina is the NCWorks Commission.

The section states that the Governor shall establish the state board and also choose the Chairperson.

This section describes who is to be on the state board and which organization or entity is to be represented and at what percentage. It covers conflict of interest, a sunshine provision on providing information to the public, and the hiring of board staff.

This section also lays out each of the duties or functions of the state board.

**Title & Section: Title I Section 102**

**Section Name:** Unified State plan

**Pages:** 1444-1450

**Brief Description of Contents:**

This section describes what is to be included in the unified state plan, including strategic planning elements and operational planning elements.

The section also describes the unified state plan submission and approval processes, as well as a modification process.

**Title & Section: Title I Section 103**

**Section Name:** Combined State plan

**Pages:** 1450-1452

**Brief Description of Contents:**

This section describes what is to be included in the combined state plan, including programs, requirements, and the approval process.

**Title & Section: Title I Section 106**

**Section Name:** Workforce Development Areas

**Pages:** 1452-1456

**Brief Description of Contents:**

This section describes what constitutes regions and local areas. Regions may be more than one local area.

This section also describes how to become designated as a local area. Local areas should be consistent with labor market areas, economic development areas and have appropriate education and training providers. Initial designation may be granted by the Governor, upon request, for the first two years of WIOA.

Regional coordination and planning is to take place among local areas. Regional Plans are a requirement under WIOA.

**Title and Section: Title 1 Section 107**

**Section Name:** Local Workforce Development Boards

**Pages:** 1456-1466

**Brief Description of Contents:**

This section describes local Workforce Development membership requirements, appointment of members, assignment of members and board certifications.

This section describes board composition, to include a 51 percent majority of members representing businesses in the local area with optimum policymaking or hiring authority and not less than 20 percent of members (2 or more) representing labor organizations or a training director (1 or more) from a joint labor-management apprenticeship program.

The chief elected official in a local area is authorized to appoint the members of the local board for such area, in accordance with the State criteria established under subsection (b).

The Governor shall, once every 2 years, certify 1 local board for each local area in the State.

**Title and Section: Title 1 Section 108**

**Section Name:** Local Plan

**Pages:** 1466-1471

**Brief Description of Contents:**

This section provides a description of the strategic planning elements of the local area plan.

Each local board shall develop and submit to the Governor a comprehensive 4-year local plan, in partnership with the chief elected official. The local plan shall support the strategy described in the State plan.

At the end of the first 2-year period of the 4-year local plan, each local board shall review the local plan and the local board, in partnership with the chief elected official, shall prepare and submit modifications to the local plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the local plan.

**Title and Section: Title 1 Section 111****Section Name:** Funding of State and Local Boards**Pages:** 1471**Brief Description of Contents:**

This section provides references for appropriate use of funding from Federal or non-Federal sources in support of State and Local Boards.

**Title and Section: Title I Section 116****Section Name:** Performance Accountability System**Pages:** 1471-1481

**Brief Description of Contents:** This section describes the indicators of performance, the State Plan and agreed upon levels of performance, Performance Reporting—both contents of and subsequent data validation—and the evaluation of states and local entities based on the conclusion of those reports.

**Measures for Adult and Dislocated Worker Programs:**

1. Percentage of program participants in unsubsidized employment during 2<sup>nd</sup> quarter after exit
2. Percentage of program participants in unsubsidized employment during 4<sup>th</sup> quarter after exit
3. Median earnings of program participants in unsubsidized employment during 2<sup>nd</sup> quarter after exit
4. Percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent during participation in or within 1 year after exit
5. Percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment or who are achieving measurable skill gains toward such a credential or employment
6. The indicators of effectiveness in serving employers TBD by Secretaries of Labor & Education

**Youth**

1. The percentage of program participants who are in education or training activities or in unsubsidized employment during the second quarter after exit
2. Percentage of program participants in unsubsidized employment during 4<sup>th</sup> quarter after exit.
3. Median earnings of program participants in unsubsidized employment during 2<sup>nd</sup> quarter after exit Percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent during participation in or within 1 year after exit Percentage of program participants who, during a program



year, are in an education or training program that leads to a recognized postsecondary credential or employment or who are achieving measurable skill gains toward such a credential or employment. The indicators of effectiveness in serving employers TBD by Secretaries of Labor & Education

**Title & Section: Title I Section 121**

**Section Name:** Establishment of one-stop delivery systems

**Pages:** 1481-1492

**Brief Description of Contents:**

This section describes the roles and responsibilities of local boards, the state board, and one-stop partners in establishing the one-stop delivery system.

This section provides information on:

- programs and activities that are a part of the one-stop system
- development of a Memorandum of Understanding for operating the system
- designation and certification of one-stop operators
- services provided by the one-stop system
- co-location of Wagner-Peyser services
- use of a common one-stop system identifier
- certification and continuous improvement of one-stop centers
- funding of the one-stop infrastructure

**Title & Section: Workforce Investment Activities and Providers, Sec. 122**

**Section Name:** Identification of eligible providers of training services

**Page:** 68

**Brief Description of Contents:**

The local board shall identify eligible providers of training services in the local area. The local area will ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) providing employment opportunities for individuals with disabilities.

**Title & Section: Workforce Investment Activities and Providers, Section 123**

**Section Name:** Eligible Providers of Youth Workforce Investment Activities

**Pages:** 74

**Brief Description of Contents:** This section allows the local board to award grants or contracts on a competitive basis to providers of youth workforce investment activities, as defined by the criteria in the State plan and criteria established by the Governor. Awards are based on the ability of the providers to meet primary performance indicators.

A local board may award grants or contracts on a sole-source basis if there aren't enough eligible providers of youth workforce investment activities in that area to be awarded on a competitive basis.

**Title & Section: Title 1 Section 126****Section Name:** General Authorization**Pages:** 1498**Brief Description of Contents:**

This section provides references for the authorization of funding to enable the State and local areas to assist eligible youth in workforce investment activities.

**Title & Section: Title 1 Section 127****Section Name:** State Allotments**Pages:** 1498-1502**Brief Description of Contents:**

This section provides the formula and definition criteria for proportioning Youth funding to sub-recipients. It provides definitions of terminology used in the formula requirements.

**Title & Section: Title 1 Section 128****Section Name:** Within State Allotments**Pages:** 1502-1504**Brief Description of Contents:**

This section specifies the rules relating to reservation of funds for Statewide Activities. Method of allocation based on State Plan involving Youth and Youth Discretionary Allocations are disclosed. Local Administrative Cost Limit references are provided. Reallocation of funds to local areas are also defined.

**Title & Section: Title 1 Section 129****Section Name:** Use of Funds for Youth Workforce Investment Activities**Pages:** 1498-1504

**Brief Description of Contents:** This section describes youth participant eligibility to include exceptions and limitations. This section also describes required statewide activities and local elements and requirements to include program design, service strategies for participants, and program elements which include: drop-out prevention strategies, paid and unpaid work experiences, occupational skill training concurrent education, leadership development opportunities, and supportive services and follow-up services. Regional coordination and planning is to take place among local areas. Regional plans are a requirement under WIOA.

**Title & Section: Title 1 Section 131****Section Name:** General Authorization**Pages:** 1511**Brief Description of Contents:**

This section provides references for the authorization of funding to enable the State and local areas to assist eligible Adult and Dislocated Workers in workforce investment activities.

**Title & Section: Title 1 Section 132****Section Name:** State Allotments**Pages:** 1511-1516**Brief Description of Contents:**

This section provides the formula and definition criteria for proportioning Adult and Dislocated Worker funding to sub-recipients. It provides definitions of terminology used in the formula requirements.

**Title & Section: Title 1 Section 133****Section Name:** Within State Allotments**Pages:** 1516-1520**Brief Description of Contents:**

This section specifies the rules relating to reservation of funds for Statewide Activities. Method of allocation based on State Plan involving Adult and Dislocated Worker Employment and Training Activities Allocations are disclosed. Transfer Authority between Adult and Dislocated Worker funding streams is established. Reallocation of funds to local areas are also defined.

**Title & Section: Title I Section 134****Section Name:** Use of Funds for Employment and Training Activities**Pages:** 1520-1537**Brief Description of Contents:**

This section outlines the required and allowable statewide activities and local activities. Required statewide activities include rapid response, as well as data systems for reporting, regional planning, staff development and training to meet performance and service goals, technical assistance to locals, fiscal accountability, monitoring and oversight, facility and programmatic accessibility, and more.

Allowable statewide activities include innovative programs, service and coordination strategies, development of training programs to meet skill needs, facilitation of service access through technology, promoting career services, dissemination of labor market information, providing incentive grants, development of common intake procedures, and more.

Limitations on the amount of funds for statewide activity is covered.

The required local employment and training activities, including the One-Stop System, career services, and training services. It makes clear that there is no requirement to have career services prior to training services.

The section covers priority of service, consumer choice, eligible training providers, Individual Training Accounts, and OJT reimbursement.

Permissible local activities include coordination efforts with partners and businesses, work supports for low wage workers, supportive services, and needs-based payments. Incumbent worker training and transitional jobs are included, with limitations on the percentage of funds that can be used for these purposes.

**Title & Section: Title 1 Section 136**

**Section Name:** Authorization of Appropriations

**Pages:** 1533

**Brief Description of Contents:**

This section specifies the authorization values of appropriations for years 2015 – 2020 for Adult, Dislocated Worker and Youth Training Activities.

**Title & Section: CHAPTER 4- GENERAL WORKFORCE INVESTMENT PROVISIONS**

**Subtitle C—Job Corps**

**Section Name:** SEC. 141. PURPOSES.

**Pages:** 1537 - 1538 (113 - 114 of 298)

**Brief Description of Contents:**

This section outlines the federal mandate to establish and maintain Job Corp program in partnership with states and communities. The purpose is to assist youth to connect with labor force through training and education in order to achieve recognized credential. Recognized credential is hoped to lead to a career, the Armed Forces or post-secondary education.

This section further outlines the standards and procedures for selecting Job Corp participants; establishing Job Corp Centers; and outlines duties and responsibilities of developing and operating Job Corp centers.

**Title & Section: CHAPTER 4- GENERAL WORKFORCE INVESTMENT PROVISIONS**

**Subtitle C—Job Corps**

**Section Name:** SEC. 142. DEFINITIONS

**Pages:** 1538 (114 of 298)

**Brief Description of Contents:**

This section provides definitions of the following terms:

APPLICABLE LOCAL BOARD,  
APPLICABLE ONE-STOP CENTER,  
ENROLLEE, FORMER ENROLLEE,  
GRADUATE, JOB CORPS,  
JOB CORPS CENTER,  
OPERATOR, REGION, and  
SERVICE PROVIDER.

**Title & Section: CHAPTER 4- GENERAL WORKFORCE INVESTMENT PROVISIONS**

**Subtitle C—Job Corps**

**Section Name:** SEC. 143. ESTABLISHMENT.

**Pages:** 1539 (115 of 298)

**Brief Description of Contents:**

“There shall be within the Department of Labor a “Job Corps”.”

**Title & Section: CHAPTER 4- GENERAL WORKFORCE INVESTMENT PROVISIONS**  
**Subtitle C—Job Corps**

**Section Name:** SEC. 144. INDIVIDUALS ELIGIBLE FOR THE JOB CORPS.

**Pages:** 1539 (115 of 298)

**Brief Description of Contents:**

This section defines who is eligible to enroll on Job Corp based on age, income, and other defined barriers.

Section also makes mention of “Special Rule for Veterans”.

**Title & Section: CHAPTER 4- GENERAL WORKFORCE INVESTMENT PROVISIONS**  
**Subtitle C—Job Corps**

**Section Name:** SEC. 145. RECRUITMENT, SCREENING, SELECTION, AND ASSIGNMENT OF ENROLLEES.

**Pages:** 1539-1542 (115-118 of 298)

**Brief Description of Contents:**

This section explains that the Secretary will set detailed standards and procedures for the recruitment, screening, and selection of eligible applicants for Job Corps. At a minimum these will include mandatory drug screening, collection of appropriate applicant information, and assessment of training needs. These will occur in cooperation of one-stop centers, community action agencies, business organizations, labor organizations and child welfare agencies when appropriate.

Regulations will permit consultation with outside organizations when necessary. The Secretary is authorized to enter into contracts with individuals and organizations to reimburse for the costs of these services.

Enrollees selected will have a reasonable expectation for successful Job Corp participation. Enrollees must understand basic rules and consequences of not following rules of Job Corp. No individual is to be denied access to Job Corps solely on the basis of individual contact with the criminal justice system except for a disqualifying convictions listed.

Assignment Plan will be established and analyzed every two (2) years. This Assignment Plan will establish number and percentages of Job Corp enrollees within the prescribed region as well as performance indicator of region.

Individual enrollees in Job Corp will be assigned to the Job Corp center offering the services being sought which is closest to their residence, unless other center has been deemed more appropriate.

**Title & Section: CHAPTER 4- GENERAL WORKFORCE INVESTMENT PROVISIONS**  
**Subtitle C—Job Corps**

**Section Name: SEC. 146. ENROLLMENT**

**Pages: 1542 (118 of 298)**

**Brief Description of Contents:**

This section defines the relationship between Enrollment and military obligation and defines the “Period of Enrollment”. Also establishes “special cases” per the Secretary.

**Title & Section: CHAPTER 4- GENERAL WORKFORCE INVESTMENT PROVISIONS**  
**Subtitle C—Job Corps**

**Section Name: SEC. 147. JOB CORPS CENTERS**

**Pages: 1542-1547 (118-123 of 298)**

**Brief Description of Contents:**

Federal, State, and local agencies, an area career and technical education school, a residential career and technical education school, and private organizations are potentially eligible to operate and provide services as a Job Corp center. In developing selection process for Job Corp operator the Secretary will consult with Governor and applicable local board.

Selection process for Job Corp center operators and service providers will be competitive and based upon specified criteria outlined in this section. Those criteria include the ability to coordinate activities with the State and local plans; the ability to offer career education reflecting the employment opportunities in the area; the degree to which they demonstrate relationships with the communities, employers, labor organizations, State boards, local boards, applicable one-stop centers, and the State and region in which the center is located; and any performance documentation related to Job Corp operation and services provided.

Additional selection factors may be implemented by the Secretary. Additional information required may include descriptions of program activities, counseling, support activities, demonstrated record of success, description or relationships with other partner organizations and entities, detailed budgets, description of fiscal “checks and balances”, documentation of all appropriate licenses and compliance with all health and safety codes.

High performing centers will be defined as those meeting all specified requirements, is ranked in the top 20% of Job Corp center from the prior year, meets or exceeds all performance expectations, for the current and prior 3 years has met or exceeded expected level of performance indicators.

Job Corps centers may be residential or nonresidential, and shall be designed and operated to provide enrollees, in a well-supervised setting, with access to prescribed activities.

Job Corps centers may include Civilian Conservation Centers, operated under an agreement between the Secretary of Labor and the Secretary of Agriculture. Civilian Conservation Centers may provide assistance in times of national, State, and local disasters.

The Secretary may enter into agreements with Indian tribes to operate Job Corps centers for Indians. “The terms “Indian” and “Indian tribe” have the meanings given such terms in

subsections (d) and (e), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).”

The length of any Job Corp agreement will not be for more than 2 years. The Secretary may exercise contractual options as they determine appropriate. The Secretary will not renew terms of any contract performing in the lowest 10% or having less than 50% of expected performance without “Detailed Explanation” and “Additional Considerations” as outlined within this section.

**Title & Section: CHAPTER 4- GENERAL WORKFORCE INVESTMENT PROVISIONS**  
**Subtitle C—Job Corps**

**Section Name: SEC. 148. PROGRAM ACTIVITIES**

**Pages: 1547-1548 (123-124 of 298)**

**Brief Description of Contents:**

Program activities provided by Job Corp will be intensive, well organized and fully supervised. These programs may include English language acquisition, career and technical education and training, work experience, work-based learning, recreational activities, physical rehabilitation and development, driver’s education, and counseling. The purpose of these activities is to aid enrollees secure and maintain meaningful unsubsidized employment, enroll in and complete secondary education or postsecondary education or training programs, or to satisfy Armed Forces requirements.

Education may be arranged through public or private educational agencies, career and technical educational institutions, technical institutes, or national service providers.

Advanced training for select enrollees may be arranged for selected enrollees. During participation in advanced career training, an enrollee may be eligible for full Job Corps benefits. Permissions may be granted to add additional Job Corp enrollees if the operator meets prescribed performance standards.

Graduate services may be offered for up to 12 months after date of graduation in order to promote the retention of graduates in employment or postsecondary education.

Where available and feasible the Secretary may provide child care for the children of Job Corp enrollees.

**Title & Section: CHAPTER 4- GENERAL WORKFORCE INVESTMENT PROVISIONS**  
**Subtitle C—Job Corps**

**Section Name: SEC. 149. COUNSELING AND JOB PLACEMENT**

**Pages: 1548-1549 (124-125 of 298)**

**Brief Description of Contents:**

This section establishes the arrangement of regular periodic assessment and counseling for enrollees prior to completing of their prescribed program. Job Corp personnel will utilize the one-stop delivery system to aid in career placement.

Section also establishes that the Secretary may elect to offer these services to former enrollees.

**Title & Section: CHAPTER 4- GENERAL WORKFORCE INVESTMENT PROVISIONS**

**Subtitle C—Job Corps**

**Section Name: SEC. 150. SUPPORT**

**Pages:** 1549

**Brief Description of Contents:**

Support for enrollees may be provided as Personal Allowances, Transition Allowances and/or Transition Support in accordance with the Secretary's directives.

**Title & Section: CHAPTER 4- GENERAL WORKFORCE INVESTMENT PROVISIONS**

**Subtitle C—Job Corps**

**Section Name: SEC. 151. OPERATIONS.**

**Pages:** 1549 (125 of 298)

**Brief Description of Contents:**

Contracting entity operating Job Corp shall utilize parameters included in the contract as their "Operating Plan". The Secretary may require the operator to provide additional information to be included as part of the operating plan. This information will be made available to the public.

**Title & Section: CHAPTER 4- GENERAL WORKFORCE INVESTMENT PROVISIONS**

**Subtitle C—Job Corps**

**Section Name: SEC. 152. STANDARDS OF CONDUCT**

**Pages:** 1549-1550 (125-126 of 298)

**Brief Description of Contents:**

Standards of Conduct section provides provisions and enforcement in establishing a zero tolerance policy for an act of violence; for use, sale, or possession of a controlled substance; for abuse of alcohol; or for other illegal or disruptive activity.

Section also describes required drug testing of all enrollees for controlled substances as defined section 145(a).

**Title & Section: CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS:  
Sec. 153**

**Section Name:** Community participation.

**Pages:** 1550

**Brief Description of Contents:**

The director of each Job Corps center is responsible for establishment and development of mutually beneficial business and community relationships and networks in order to enhance the effectiveness of the centers. The activities carried out by the Job Corps centers will include networks with employers, one-stop centers, entities providing apprenticeship and/or youth programs, labor management organizations, and community based organizations, non-profit, other entities providing workforce development-related services. The Job Corps center should communicate with the community regarding its projects and changes in the rules, procedures, or activities that may affect the community.



**Title & Section: CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS:  
Sec. 154**

**Section Name:** Workforce councils.

**Pages:** 1551

**Brief Description of Contents:**

Each Job Corps center will have a workforce council, appointed by the director of the center.

The council will be comprised of a majority of private sector business owners, and or those responsible for management, hiring, and policy. Representatives of labor organizations and representatives of employees and enrollees and graduates of the Job Corps.

The workforce council is to work closely with the local boards in order to determine and recommend, appropriate career and technical education and training for the center. They should review relevant labor market information including related information in the State plan or the local plan. The council should recommend the in-demand industry sectors, determine the employment opportunities in the local areas, determine the skills and education that are necessary to obtain employment in these sectors and recommend the type of career and technical education and training that should be implemented at the center to enable the Job Corps enrollees to obtain employment in these sectors.

The workforce council should meet at least bi-annually to re-evaluate labor market information and any other relevant information in order to recommend any necessary changes in the career and technical education and training provided at the Job Corps center.

**Title & Section: CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS:  
Sec 155**

**Section Name:** Advisory committees.

**Pages:** 1552

**Brief Description of Contents:**

Advisory committees may be established whenever the Secretary determines that the availability of outside advice and counsel on a regular basis would be beneficial in identifying and overcoming problems in planning programs, development of the Job Corp center or in strengthening relationships between the Job Corps and other agencies and institutions engaged in related activities.

**Title & Section: CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS:  
Sec. 156**

**Section Name:** Experimental projects and technical assistance.

**Pages:** 1552

**Brief Description of Contents:**

The Secretary may carry out experimental, research, or demonstration projects relating to carrying out the Job Corps program.

The Secretary may set aside .25 of 1 percent to provide technical assistance to Job Corps centers including assisting the centers in correcting deficiencies, in meeting or exceeding performance levels, and in the development of sound management and financial management procedures.

**Title & Section: CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS:  
Sec. 157**

**Section Name:** Application of provisions of Federal law.

**Pages:** 1552

**Brief Description of Contents:**

Enrollees into Job Corps activities are not considered to be Federal Employees. They will not be subject to provisions of law relating to Federal employment, including provisions regarding hours or work, rates of compensation, leave, unemployment compensation and Federal employee benefits.

Job Corps enrollees will be considered to be employees of the United States for purposes relating to taxes and Social Security and for compensation for work injuries (Workers Compensation).

**Title & Section: CHAPTER 4—GENERAL WORKFORCE INVESTMENT PROVISIONS:  
Sec. 158**

**Section Name:** Special provisions.

**Pages:** 1553

**Brief Description of Contents:**

Men and women will have an equal opportunity to participate in the Job Corps program.

All studies, evaluation, proposals, and data developed with Federal funds become the property of the United States. This includes real and personal property under the control of and that is not used by the Department of Defense.

Transactions conducted by an operator or service provider for a Job Corps center is not to be considered to be generating gross receipts. The operator or service provider will not be liable, directly or indirectly, for any gross receipts taxes, or any similar taxes measured by gross receipts.

The Job Corps operator may receive a negotiated Management Fee of not less than 1 percent of the amount of the funding provided under the agreement.

The Secretary may accept charitable donations of cash, or other assistance, including equipment and material on behalf of Job Corps or the Job Corps center.

If the Administrator of General Services sells a Job Corps center facility, the Administrator will transfer the proceeds from the sale to the Secretary, who will use the proceeds to carry out the Job Corps program.

**Title & Section: CHAPTER 4—GENERAL WORKFORCE INVESTMENT  
PROVISIONS: Sec. 159**

**Section Name:** Management Information

**Pages:** 1558

**Brief Description of Contents:**

The Secretary shall establish procedures to ensure that operators and service providers maintain a comprehensive financial management information system that will provide accurate disclosures of Job Corps operations and provide sufficient data for the effective evaluation of the activities of the Job Corps program. The Secretary, Inspector General, Comptroller General, or their duly authorized representatives, shall have access to any books, documents, papers, and records of the operators and service providers that are pertinent to the Job Corps program in order to conduct surveys, audits, and evaluations of the operators and service providers.

**Title & Section: CHAPTER 4—GENERAL WORKFORCE INVESTMENT  
PROVISIONS: Sec. 160**

**Section Name:** General provisions.

**Pages:** 1558

**Brief Description of Contents:**

The Secretary is authorized to disseminate information to public agencies, private organizations and the general public as appropriate. The Secretary collect or compromise all obligations and exercise all legal rights in connection with the payment of obligations. Fund are available for printed materials, for use in rent, repair, alterations and improvement of rented space.

**Title & Section: CHAPTER 4—GENERAL WORKFORCE INVESTMENT  
PROVISIONS: Sec. 161**

**Section Name:** Job Corps Oversight and Reporting.

**Pages:** 1558

**Brief Description of Contents:**

Financial reports regarding the Job Corps program will include, information about the implementation of oversight measures, a description of any budget shortfall for the reporting period, and an explanation for approvals of contract expenditures that exceed the amount cited in the contract. The timeframe covering these reports for a 3 year period followed by the subsequent 2 year period. The procedure covering required reporting of budgetary shortfalls is included in this section. A third party review of the Job Corps program will submitted to the Committee on Education and the Workforce and other committees, as well as the procedures required in the event of the closure of a Job Corps center.

**Title & Section: CHAPTER 4—GENERAL WORKFORCE INVESTMENT  
PROVISIONS: Sec. 162**

**Section Name:** Authorization of Appropriations.

**Pages:** 1559

**Brief Description of Contents:**

Funding appropriations:

- (1) \$1,688,155,000 for fiscal year 2015;
- (2) \$1,818,548,000 for fiscal year 2016;
- (3) \$1,856,283,000 for fiscal year 2017;
- (4) \$1,897,455,000 for fiscal year 2018;
- (5) \$1,942,064,000 for fiscal year 2019; and
- (6) \$1,983,236,000 for fiscal year 2020.

**Title & Section: Title I - Section 166**

**Section Name:** Native American Programs

**Pages:** 1560-1564

**Brief Description of Contents:**

This section is to support employment and training activities for Indian, Alaska Native, and Native Hawaiian individuals.

Every 4 years, the Secretary shall, on a competitive basis, make grants to, or enter into contracts or cooperative agreements with, Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations to carry out the authorized comprehensive workforce development activities described in this section.

In order to receive a grant, a Program Plan must be submitted that describes a 4-year strategy for meeting the needs of Indian, Alaska Native, or Native Hawaiian individuals.

The Secretary, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards.

The Secretary shall also designate a single organizational unit within the Department of Labor that will have primary responsibility for the administration of the activities authorized under this section.

The Secretary is authorized to award grants, on a competitive basis, to entities with demonstrated experience and experience in developing and implementing programs for the unique populations who reside in Alaska or Hawaii, including public and private nonprofit organizations, tribal organizations, American Indian tribal colleges or universities....to improve job training and workforce investment activities for such unique populations.

**Title & Section: Title I - Section 167****Section Name: Migrant and Seasonal Farmworker Programs****Pages:** 1564-1566**Brief Description of Contents:**

This section describes how every 4 years the Secretary shall, on a competitive basis, make grants to, or enter into contracts with eligible entities to carry out activities which meets the needs of migrant and seasonal farmworkers.

Eligible entities must have an understanding of the problems of this population, familiarity of the area to be served, and demonstrate the ability to administer and deliver a diversified program of workforce activities (including youth workforce investment activities).

Authorized activities may include outreach, employment, training, educational assistance, literacy assistance, English language and literacy instruction, pesticide and worker safety training, housing (including permanent housing), supportive services, and school dropout prevention and recovery activities.

An entity must submit a 4-year plan that 1) describes the population to be served 2) the employment needs of the population 3) and the manner in which the services will strengthen the farmworkers ability to obtain and retain unsubsidized employment. The plan must also describe the related assistance and supportive services to be provided, the performance accountability measures, and the availability of local resources.

The Secretary shall consult with eligible migrant and seasonal farmworkers groups and States in establishing regulations to carry out this section.

**Title & Section: Title I Section 168****Section Name: Technical Assistance****Pages:** 1566-1568**Brief Description of Contents:**

This section describes the general technical assistance required to be provided to states and localities by the Department of Labor including staff and board member training, assistance with accounting, sharing of best practices, and assistance with the transition to WIOA.

The section also covers technical assistance with respect to helping states and localities provide employment and training activities for dislocated workers.

**Title & Section: Title 1, Section 169****Section Name: Evaluations and research****Pages:** 1568-1573**Brief Description of Contents:**

This section provides an overview of the evaluations of workforce programs and activities carried out under Title 1, as well as information on the research, studies, and multistate projects that may be carried out by the Secretary of Labor (DOL).

#### Evaluation:

For the purpose of improving the management and effectiveness of programs and activities, the Secretary of Labor, through grants, contracts, or cooperative agreements, shall provide for the continuing evaluation of the programs and activities under this Title.

#### Research, Studies, and Multi-state Projects:

After consultation with States, localities, and other interested parties, the Secretary shall publish in the Federal Register, a plan that describes the research, studies, and multistate project priorities of the Department of Labor concerning employment and training for the 5-year period following the submission of the plan. The plan shall contain strategies to address national employment and training problems. The Secretary shall carry out research projects that will contribute to the solution of employment and training problems that are consistent with the priorities specified in the plan.

This section also lists the different types of studies the Secretary may conduct.

#### **Title & Section: Title 1, Section 170**

**Section Name:** National Dislocated Worker Grants

**Pages:** 1573-1576

**Brief Description of Contents:** This section describes the provisions for filing a national emergency grant to assist with an emergency or disaster as well as filing a grant when state and local formula funds can no longer assist with major economic dislocations such as mass layoff, closures or realignment of military installations.

Emergency or disaster national emergency grants provide disaster relief employment opportunities for dislocated workers or long-term unemployed on projects that provide food, clothing, shelter and other humanitarian assistance to disaster victims. The grant provides projects to assist with the demolition, cleanup, repair and restoration of public properties. Participants may work on a disaster relief employment project for duration not to exceed 12 months.

Major economic dislocations national emergency grant provides retraining assistance for dislocated workers that need to upgrade their skill sets. The secretary must decide approval of this grant not later than 45 days from the date the grant application was submitted. The secretary must issue a notice of obligation not later than 10 days from the award date of the grant.

#### **Title & Section: Title I Section 171**

**Section Name:** YouthBuild Program

**Pages:** 1576-1585

#### **Brief Description of Contents:**

This section describes the purposes of the YouthBuild Program, which are to enable disadvantaged youth to obtain the education and employment skills necessary to achieve economic self-sufficiency; to provide disadvantaged youth with opportunities for meaningful work and service

to their communities; to expand the supply of permanent affordable housing for the homeless; and to improve quality and energy efficiency of community and other non-profit and public facilities.

This section also provides definitions; YouthBuild grants; use of housing units; additional program requirements; levels of performance indicators; management and technical assistance; sub grants and contracts; and authorization of appropriations.

**Title & Section: Title I Section 172**

**Section Name:** Authorization of Appropriations

**Pages:** 1585-1586

**Brief Description of Contents:**

This section describes the amounts of the authorized appropriations of WIOA and the sections for which they must be carried out. Appropriations include: Native American Programs; Migrant and Seasonal Farmworker Programs; Technical Assistance; Evaluations and Research; Assistance for Veterans; and Assistance for Eligible Workers.

**Title & Section: Title 1 Section 181**

**Section Name:** Requirements and Restrictions

**Pages:** 1586-1589

**Brief Description of Contents:**

This section describes requirements and restrictions relating to wages to be paid to participants; labor standards, including protections against displacement of employed workers and impacting union organizing. The section describes the requirements for grievance procedures for participants and other interested parties; prohibition on the use of funds to encourage employer relocation; and limitation of use of funds for activities such as economic development.

This section also authorizes states to use state administrative funds to carry out drug testing of participants, and allows the state to sanction participants who test positive for drug use.

**Title & Section: Title I Section 182**

**Section Name:** Prompt Allocation of Funds

**Pages:** 1589-1590

**Brief Description of Contents:**

This section describes requirements similar to WIA for prompt allocation of funds. Allotments must be based on the latest available data. The Secretary must publish the allotments in the Federal Register in a timely fashion.

This section also covers requirements for funds distributed by formula, Federal Register publication relating to discretionary funds and time requirements for availability of funds.

**Title & Section: Title I Section 183****Section Name:** Monitoring**Pages:** 1590**Brief Description of Contents:**

This section authorizes the Secretary to monitor all recipients of financial assistance under this title and to investigate any matter as necessary to determine compliance with the act and the regulations. Section 9 of the Federal Trade Commission Act relating to the attendance of witnesses and the production of documents applies to investigations and hearings conducted by the Secretary.

**Title & Section: Title I Section 184****Section Name:** Fiscal Controls; Sanctions**Pages:** 1590-1594**Brief Description of Contents:**

This section describes the requirements for establishment of fiscal controls by states and for compliance of states, local areas and providers with applicable uniform cost principles included in the appropriate OMB circulars. States, local areas and providers must comply with the appropriate uniform administrative requirements in the applicable circulars.

This section also describes requirements for procurement transactions between local boards and government entities, as well as the requirement of states to conduct annual on-site monitoring of each local area to determine compliance.

This section lists actions to be taken by the Governor when it is determined a local area is not in compliance with the uniform administrative requirements as well as actions to be taken by the Secretary when it is determined that the Governor is not in compliance with this section. The section also lists actions to be taken by the Governor when a substantial violation occurs and corrective action has not been taken as well as actions to be taken by the Secretary when the Governor does not take prompt action. The appeals process is also described.

This section authorizes sanctions and describes the factors considered in imposing sanctions. If the Secretary determines that discrimination against a participant has occurred, the Secretary shall take action or order corrective action within thirty days.

**Title & Section: Title I Section 185****Section Name:** Reports; Recordkeeping; Investigations**Pages:** 1594-1596**Brief Description of Contents:**

This section outlines the requirements for recipients of funds under this title to keep sufficient records to prepare reports and permit tracing of funds. Recipients must maintain standardized records for all individual participants. This section describes the recipients' responsibility to make records available to the public and exceptions to that responsibility.



This section also describes the authority of the Secretary and the Comptroller General of the United States in conducting investigations of the use of funds. The section outlines information to be included in reports including quarterly financial reports.

States and local boards must maintain records that identify income or profits and stand-in costs. The secretary shall require that costs be categorized as only administrative or programmatic.

**Title & Section: Title I Section 186**

**Section Name:** Administrative Adjudication

**Pages:** 1596-1597

**Brief Description of Contents:**

This section describes the process for adjudication when an applicant for financial assistance under the act is dissatisfied because the Secretary determines not to make the award to the applicant. The section also describes the requirements for appeals and time limitations.

**Title & Section: Title I Section 187**

**Section Name:** Judicial Review

**Pages:** 1597

**Brief Description of Contents:**

This section describes the process for filing a petition with the United States Court of Appeals by a party wishing to obtain a review of a final order by the Secretary. The judgment of the United States Court of Appeals having jurisdiction over the applicant shall be final, subject to review by the Supreme Court.

**Title & Section: Section 188 – Nondiscrimination**

**Section Name:** Title I Section 188

**Pages:** 1597-1599

**Brief Description of Contents:**

This section prohibits discrimination on the basis of age, disability, sex, race, color, or national origin for any programs and activities funded or otherwise financially assisted in whole or part under this Act are considered to be programs and activities receiving Federal financial assistance.

Prohibits discrimination regarding participation, benefits, and employment.

Prohibits on assistance for facilities for sectarian instruction or religious worship.

Prohibition on discrimination on basis of participant status.

Prohibition on discrimination against certain non-citizens.

**Title & Section: Title 1, Section 189**

**Section Name:** Secretarial administrative authorities and responsibilities

**Pages:** 1599-1602

**Brief Description of Contents:**

This section details the prescribing of special rules and regulations, by the Secretary of Labor (DOL), for carrying out the activities of this title, only to the extent necessary to administer and ensure compliance with the requirements of this title.

They include:

- Property acquisition and disposal federal funds.
- Authority to enter into contracts and agreements to make certain expenditures.
- Details for the Secretary's Annual Report on achievements, failures and challenges, summary of major findings on pilot projects, and recommendations for program modifications.
- Definition and detail of the program year and funds availability.
- Special rule regarding designated areas.
- Special rule regarding sanctions.
- General waivers of statutory or regulatory requirements.

**Title & Section: Title 1, Section 190**

**Section Name:** Workforce flexibility plans

**Pages:** 1602-1603

**Brief Description of Contents:**

This section describes the states' ability to submit a workforce flexibility plan to the Secretary of Labor under which states are authorized to waive certain statutory or regulatory requirements applicable under Title 1, under the Wagner-Peyser Act, or under the Older Americans Act of 1965. This section provides details of what states can seek waivers for, or what waiver requests may or may not include, and what must be included in the workforce flexibility plan.

**Title & Section: Title I Section 191**

**Section Name:** State legislative authority

**Pages:** 1603-1604

**Brief Description of Contents:**

This section clarifies that WIOA does not prohibit States from enacting legislation providing for the implementation of activities consistent with the provisions of the WIOA regulations.

This section also grants consent to States, with approval of the Secretary, to pursue compacts and cooperative agreements with other States that enhance compliance with the provisions of WIOA.

**Title & Section: Title I Section 192**

**Section Name:** Transfer of federal equity in state Employment Security Agency real property to the States

**Pages:** 1604

**Brief Description of Contents:**

This section describes that any real property acquired with title III of the Social Security Act or under Wagner-Peyser is transferred to the States as long as it is used to carry out activities authorized under the two aforementioned laws. Transfers must not preclude other laws and be blessed by the Secretary.

This section also prohibits WIOA funds, title III of the Social Security Act, or the Wagner Peyser Act to amortize the costs of real property purchased by the State.

**Title & Section: Title I Section 193**

**Section Name:** Continuation of state activities and policies

**Pages:** 1604-1605

**Brief Description of Contents:**

This section clarifies that the Secretary cannot deny approval of a State plan on the basis of a State using prior consistent State laws. Prior consistent state laws can be used to disburse funds by the State and in determining fiscal agents. The plan cannot be rejected for using one-stop partners and operators identified by prior consistent State laws. The Secretary cannot deny a State plan based on the functions and designation of a state board based on prior consistent State laws, either. In addition, local boards can carry out a local plan based on prior consistent state law.

This section further states that the Secretary cannot deny a State plan when a State determined that a provider cannot be selected to provide both intake services and training services under prior consistent State laws.

**Title & Section: Title I Section 194**

**Section Name:** General program requirements

**Pages:** 1605-1607

**Brief Description of Contents:**

This section further describes fifteen program requirements and restrictions associated with WIOA. These restrictions impact service delivery and access, local workforce boards, contracts, and program design.

**Title & Section: Title I Section 195**

**Section Name:** Restrictions on lobbying activities

**Pages:** 1607-1608

**Brief Description of Contents:**

This section describes the common restrictions and exceptions associated with political lobbying activities to include the restriction of funds for publicity or propaganda and the creation of marketing material designed to support or defeat local, state or federal legislation enactment. Funds

can be used for normal and recognized business associated with local, state, or congressional presentations.

This section also restricts the use of funds to pay the salary for any person designed to influence pending or proposed actions of government. Those persons operating in normal policymaking and administrative processes within any government are exempt from this restriction.

**Title & Section: Title II Sections 201-243**

**Section Name:** Adult Education and Literacy

**Pages:** 1608-1623

**Brief Description of Contents:**

This section describes the title cited as “Adult Education and Literacy” and focuses on the partnerships between the Federal Government, States, and localities to provide, on a voluntary basis adult education and literacy activities that lead to sustainable improvements in the economic opportunities for their family.

This section also describes Adult Literacy and Adult Education as it relates to Adult Literacy. It defines the “eligible individual” and the “eligible provider”. It defines the “English Language Learner” and “Integrated English Literacy and Civics Education”.

Subtitle A describes the Federal Provisions and the Reservations of Funds; Grants to Eligible Agencies; Allotments.

Subtitle B describes the State Provisions and the State Distribution of Funds; Matching Requirement as well as the State Leadership Activities.

Section 225 outlines programs for corrections education and other institutionalized individuals.

Subtitle C describes Grants and Contracts for Eligible Providers.

Subtitle D describes the Administrative Provisions and National Leadership Activities.

Regional coordination and planning is to take place among local areas. Regional plans are a requirement under WIOA.

**Title & Section: Title III Section 301**

**Section Name:** Employment Service Offices

**Pages:** 1624

**Brief Description of Contents:**

This section describes the amendment to the Wagner-Peyser Act changing the name of Employment Offices to Employment Service Offices.

**Title & Section: Title III Section 302**

**Section Name:** Definitions

**Pages:** 1624

**Brief Description of Contents:**

This section restates definitions of key terms by removing references from WIA and aligning the definitions with WIOA.

**Title & Section: Title III Section 303****Section Name:** Federal and State Employment Offices**Pages:** 1625**Brief Description of Contents:**

This section describes the expansion of the public labor exchange services system. This amendment to the Act requires Employment Service Offices in each State to collocate with One-Stop Centers. This authorizes the Secretary of the Department of Labor to work with States in the development of national electronic tools to improve access to workforce information for individuals.

**Title & Section: Title III Section 304****Section Name:** Allotment of Sums**Pages:** 1626**Brief Description of Contents:**

This section describes changes to the protocol and methodology concerning how the Secretary of Labor allocates funds.

**Title & Section: Title III Section 305****Section Name:** Use of Sums**Pages:** 1626**Brief Description of Contents:**

This section describes the amendment to the statute to include the following mandates:

- 1) The Wagner-Peyser fund allotments may be used to help unemployment insurance claimants apply for various training and education programs.
- 2) “Performance standards established by the Secretary” is replaced with “performance accountability measures that are based on indicators described in the WIOA.”
- 3) Professional development and career advancement for State agency staff is a permissible use of funds allocated to the state.

**Title & Section: Title III Section 306****Section Name:** State Plan**Pages:** 1627**Brief Description of Contents:**

This section specifies any State that wants to receive WIOA funds must complete and submit a Plan to be approved by the U.S. Secretary of Labor and Education.

**Title & Section: Title III Section 307****Section Name:** Performance Measures**Pages:** 1627**Brief Description of Contents:**

This section describes the performance accountability measures necessary to receive WIOA funding.

**Title & Section: Title III Section 308****Section Name:** Workforce and Labor Market Information System**Pages:** 1627**Brief Description of Contents:**

This section describes the change from Employment Statistics to Workforce and Labor Market Information Systems. This section outlines the Secretary's responsibilities, the distribution of funds and duties.

This section describes the two-year plan for Workforce and Labor Market Information Systems.

The two-year plan is to include the following elements:

- How the Secretary plans to work with the States
- Steps to be taken during the two years
- An evaluation of system performance
- Description of States' involvement and
- Written recommendations from the Workforce Information Advisory Council

This section also establishes the Workforce Information Advisory Council and requires the Secretary to consult with the Workforce Information Advisory Council semi-annually.

The amendment outlines the Workforce Information Advisory Council description concerning its membership, geographic diversity, appointment periods, vacancy and travel expenses.

**Title & Section: Title IV Sections 401-492****Section Name:** Amendments to the Rehabilitation Act of 1973**Pages:** 1631-1695**Brief Description of Contents:**

Sections 401-410. These sections are the Introductory Provisions Sections and defines rehabilitation terminology and strikes "Rehabilitation Act Amendments of 1998" each place it appears and inserts "Workforce Innovation and Opportunity Act". These sections also list the reporting, evaluation, carryover and traditionally underserved population criteria.

Sections 411-424. These sections identifies Vocational Rehabilitation Services. These sections state the declaration of policy; authorization of appropriations, and identifies the vocational rehabilitation plan requirements which must be a part of the unified state plan. These sections also detail eligibility requirements and what must be included on the Individualized Plan for employment. For eligibility, it strikes "or regain employment" and inserts "advance in, or regain employment that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interest and informed choice...."

Sections 431-456. These sections outline and define research and training activities of vocational rehabilitation services.ng - This sections outlines training and research activities and establishes the National Council on Disability.

Sections 457-476. These sections outline the protection and advocacy of individuals rights and discusses limitation on the use of subminimum wage. These sections also gives the general provisions for individuals with significant disabilities, administration of the independent Living Program, Independent Living Services, and the Independent Living Council.

Sections 481- 495. These sections authorize appropriations and standards for Centers for Independent Living and Independent Living Services for older individuals who are blind and transfers functions regarding independent living to Department of Health and Human Services, and savings provisions.

**Title & Section: Title V Section 501**

**Section Name: Privacy**

**Pages:** 1700

**Brief Description of Contents:**

This section describes the privacy provisions of the participant as outlined in Section 444 of the General Education Provision Act (20 U.S.C. 1232g). It describes how personal data of participants/individuals can be requested, however, for the protection of parents and students, the data cannot be used to create a National Database.

**Title & Section: Title V Section 502**

**Section Name: Buy-American Requirements**

**Pages:** 1700- 1701

**Brief Description of Contents:**

This section describes the requirements under the Buy American Act. It explains that Congress requires funds authorized to purchase equipment and/or products under Title I and Title II or under Wagner-Peyser Act (29 U.S. C. 49 et. seq), to be American-made only. It further describes that if the Federal agency or courts determines that the label “Made in America” has been falsely attached to a shipment to the United States, the person(s) shall be in violation of the requirements, thus resulting in the ineligibility of funding for contracting or subcontracting. This violation is pursuant to suspension, disbarment, and ineligibility of funds as outlined in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

**Title & Section: Title V Section 503**

**Section Name: Transition Provisions**

**Pages:** 1701- 1702

**Brief Description of Contents:**

This section describes the requirements needed to make orderly transitions from any authority to another authority operating Under the Workforce Invest Act of 1998, to include Adult Education and Literacy Programs, Employment Services Activities, and Vocational Rehabilitation Programs. Recipients shall utilize funds received to plan and implement programs authorized under this act. In addition, under the WIA Act of 1998 for fiscal year 2014, not more than 2 percent of funds received and not less than 50 percent of funds received may be available to carry out activities, as described in the provisions.

**Title & Section: Title V Section 504**

**Section Name:** Reduction of reporting Burdens and Requirements

**Pages:** 1702

**Brief Description of Contents:**

This section explains that the Secretary of Labor, the Secretary of Education and Secretary of Health and Human Services shall establish methods and criteria for State and local boards may utilize as a guide in how to reduce reporting burden and requirements.

**Title & Section: General Provisions, Section 505**

**Section Name:** Report on Data Capability of Federal and State Databases and Data Exchange Agreements

**Pages:** 278-279

**Brief Description of Contents:** The Comptroller General of the United States must prepare and submit an interim report and a final report to Congress on the existing Federal and State databases and data exchange agreements. As of the date of the report, it must contain job training information relevant to the administration of programs authorized under WIOA and its amendments.

The interim report must be filed no later than one year after the date of enactment of this Act.

The final report must be prepared and submitted by the Comptroller General to Congress, no later than eighteen months after the date of enactment of this Act.

Components of this report must include a list of Federal and State databases, and the data exchange agreements for these databases. This list must detail the purpose of the database or agreement, the data elements in it or elements that are accessible under the agreement, elements that are shared between states, the Federal and State workforce training programs from which each Federal and State database derives the elements, the number and type of Federal and State agencies having access to this data, the number and type of private research organizations that have access to this data through grants, contracts, or other agreements, and whether the database or data exchange agreement provides for opt-out procedures for individuals whose data is shared through the database or data exchange agreement.

This report is required to study what effects that access to this database and the database exchange on the part of State workforce agencies and the Secretary of Labor would have on efforts to carry out WIOA and its amendments.

This report must explore opportunities to enhance the quality, reliability, and reporting frequency of the data in the databases and data exchange agreements.

This report must describe, for each database or data exchange agreement the number of individuals whose data is contained in each database or is accessible through the data agreement, and the specific data elements contained in each that could identify an individual.



This report must include the number of data breaches that occurred since 2004 to data systems administered by Federal and State agencies.

This report must include the number of data breaches regarding any type of personal data that occurred since 2004 to private research organizations with whom Federal and State agencies contract for studies.

This report must include a survey of the security protocols protecting personal data, including best practices shared amongst States, as well as recommendations for improving security protocols for the safe warehousing of data elements.

**Title & Section: Title V Section 506**

**Section Name:** Effective Dates

**Pages:** 1703-1705

**Brief Description of Contents:**

This Act will take effect on the first day of the first full program year after the date of enactment, except where otherwise noted. The application date for the Workforce Development Performance Accountability system is in effect on the day before the date of enactment of this law. The application date for the State and Local Plan Provision with Implementation is in effect on the day before the date of enactment of this Act.

**Title & Section: Title 1 Section 511**

**Section Name:** Repeal of Workforce Investment Act of 1998

**Pages:** 1705

**Brief Description of Contents:**

This section annuls the Workforce Investment Act of 1998

The section also annuls the Grants to States for Workplace and Community Transition Training for Incarcerated Individuals.

- Section 821 of the Higher Education Amendments of 1998 (20 U.S.C.1151) is specifically repealed.
- This HEA of 1998 (20 U.S.C. 1151) provided basic skills and related opportunities primarily to incarcerated individuals ranging from 35 years old to youth not limited to high school diplomas, associates bachelor's degrees apprenticeship work experience career exploration. These education bases services were generally followed by two years of counseling / case management to transition into employment.

**Title & Section: Title I Section 512**

**Section Name:** Conforming Amendments

**Pages:** 1705-1722

**Brief Description of Contents:**

This section adapts language that is consistent with the Workforce Innovation Opportunity Act versus language used in reference to the Workforce Investment Act of 1998

An example is, entities involved with the administration of WIA under Title 1 of the workforce investment act system is now , entities involved Workforce Innovation Opportunity Act with the operation of Workforce Innovation Opportunity Act a defined in section 3 of the WIOA.

It further adapts language this is consistent with required partnerships in the One Stop Delivery

System versus language used in reference to the Workforce Investment Act of 1998

An example of partnership language change is found within the Assistive Technology Act of 1998 being revised to include Workforce Innovation Opportunity Act.

The section strikes representative on the State Workforce Investment Act 1998 to now state represented of the state workforce development board as established under Workforce Innovation Opportunity Act

- Language adaptation changes occur to include programs, activities and agreements carried out under the Secretary under Job Training Partnership Act as well as Title 1 of Workforce Investment Act of 1998.

There are thirty-eight (38) adaptations to Acts Codes and Public laws included:

1. Alaska Natural Gas Pipeline Act
2. Atomic Energy Defense Act
3. Carl D. Perkins Career and Technical Education Act (Titles I & II)
4. Public Law 105-220
5. Community Services Block Grant Act
6. Compact of Free Association Amendments Act of 2003
7. Domestic Volunteer Service Act of 1973
8. Elementary and Secondary Education Act of 1965
9. Adult Education and Family Literacy Act
10. Individuals with Disability Education Act
11. Environmental Programs Assistance Act of 1984
12. Energy Conservation and Production Act
13. Food and Nutrition Act of 2008
14. Full Employment and Balanced Growth Act of 1978
15. Higher Education Act 1965
16. Housing Act of 1949
17. Housing and Urban Development Act of 1968

18. Immigration and Nationality Act
19. Internal Revenue Code of 1986
20. McKinney Vento Homeless Assistance Act
21. Museum of Library Sciences Act
22. National Community Service Act of 1990
23. National Energy Conservation Policy Act
24. Older American Community Service Senior Opportunities Act
25. Older American Act of 1965
26. Personal Responsibility and Work Opportunity Reconciliation Act
27. Patient Protection and Affordability Care Act
28. Public Health Service Act
29. Runaway Homeless Youth Act
30. Second Chance Act 2007
31. Small Business Act
32. Title 18 of the United States Code-Section 665
33. Title 31 of the United States Code-Section 6703 (a)(4)
34. Title 38 of the United States Code
35. Trade Act of 1974
36. United States Housing Act of 1937
37. Violent Crime Control and Law Enforcement Act of 1994
38. Worker Adjustment and Retraining Notification Act

**Title & Section: Title 1 Section 513**

**Section Name:** References

**Pages:** 1722

**Brief Description of Contents:**

This section list the Acts referenced.

This includes reference to corresponding provisions from:

- Workforce Investment Act of 1998
- Wagner-Peyser Act
- Disability-Related References from the Rehabilitation Act of 1973